

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2254 – SB 2528

February 12, 2018

SUMMARY OF ORIGINAL BILL: Prohibits the statutory defenses to unlawful possession or carrying of a firearm from applying if a person has been previously convicted of the unlawful possession or carrying of a firearm.

FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Expenditures – \$64,300 Incarceration*

SUMMARY OF AMENDMENT (012875): Deletes all language after the enacting clause and replaces such language to exclude persons convicted of a felony or a misdemeanor domestic violence offense from asserting the defenses in Tenn. Code Ann. § 39-17-1308 for unlawful possession of a firearm.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Tennessee Code Annotated § 39-17-1308 provides defenses for the unlawful possession or carrying of a weapon under Tenn. Code Ann. § 39-17-1307. These defenses are not available to a person described in Tenn. Code Ann. § 39-17-1307(b)(1).
- The proposed legislation provides that these defenses are not available to persons convicted for the unlawful carry or possession of a firearm under Tenn. Code Ann. § 39-17-1307(b)(1), (c)(1) or (f)(1).
- Anyone convicted of a felony or a misdemeanor domestic violence offense is prohibited under state and federal law from possessing a firearm, except for an antique firearm, as defined in 18 U.S.C. § 921(a)(3). The defenses under Tenn. Code Ann. § 39-17-1308 cannot be asserted by these persons, because any possession is a crime.
- The proposed legislation will not impact state incarceration costs.
- Any impact to the caseloads of the courts, public defenders, and district attorneys can be accommodated within their existing resources.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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